

EXECUTIVE NOTE

THE LICENSING (SCOTLAND) ACT 2005 (COMMENCEMENT NO. 1 AND TRANSITIONAL PROVISIONS) ORDER 2006

(S.S.I 2006/ 239 C.21)

The above instrument was made in exercise of the powers conferred by sections 146(2) and 150(2) of the **Licensing (Scotland) Act 2005**. The instrument is not subject to any procedure before the Parliament.

Policy Objectives

The purpose of the instrument is to commence section 105 of the 2005 Act to make transitional provision for an alcohol test purchasing alcohol pilot scheme to take place in the Fife Constabulary area. During Stage 2 of the Licensing (Scotland) Bill the Lord Advocate intimated that he was content for test purchasing to be extended to alcohol and, as such the Bill was amended to allow for this. The Lord Advocate also intimated that he was content that before the provisions of the Act fully come into force that there should be a pilot study done on test purchasing. The main aim of the pilot is to trial operating procedures to ensure test purchases of alcohol can be carried out safely, fairly and effectively in a Scottish context by the time the provisions of the Licensing (Scotland) Act 2005 are generally commenced in 2009.

The pilot will be overseen by an Advisory Group which in addition to Scottish Executive and Crown Office officials includes representatives from ACPOS, COSLA and licensed trade and retail interests. It will be subject to an independent evaluation the results of which will be used to inform the development of common operating protocols and procedures to be adopted by forces across Scotland when the test purchasing arrangements are rolled out more generally.

Consultation

The lead Department on Test Purchasing (the SE Health Department) has held a series of meetings with licensed trade associations representing both on and off-sales, including; -

- the Scottish Licensed Trade Association;
- The Scottish Beer & Pub Association;
- The British Hospitality Association;
- The Scottish Retail Consortium; and
- Scottish Grocers Federation.

In addition under the Chairmanship of the SE Health Department an Enforcement Group was established to oversee the Test Purchasing Pilot Project. The Group includes representatives from: -

- The licensed trade associations;
- The police;
- The trading Standards
- The Scottish Executive;
- COSLA; and
- Alcohol Focus Scotland

Financial Effects

The instrument has no financial effects on the Scottish Executive, local government or on business.

Scottish Executive Finance and Central Services Department
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